

REMARKS

This Request is responsive to the Office Action dated October 11, 2005. Claims 1-48 were pending in the application. In the Office Action, claims 1-48 were rejected. Applicant submits that claims 1-48 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

S103 Rejections

Claims 1-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Skillen (WO 98/36366) in view of Hall (US 6,026,375).

Applicant respectfully submits that the independent claims (claims 1, 11, 22, 32 and 41) are patentable over Skillen and Hall.

Applicant's invention as recited in the independent claims is directed toward a method of providing information to a device, and a system for presenting information to a user. Each of the claims recites that a user device receives a multiple of messages, and that at least one of the messages indicates a change in proximity of the device relative to an entity such as a vendor.

Neither Skillen nor Hall discloses a user device receiving a multiple of messages, wherein at least one of the messages indicates a change in proximity of the device relative to an entity. The Examiner implicitly acknowledges that Skillen fails to disclose such limitation by relying exclusively on Hall's disclosure of the limitation. Regarding Hall, the Examiner asserts that the reference discloses "a first message of a vendor and a subsequent message of the vendor indicating a

change in proximity of the user." In making the assertion, the Examiner states that:

Hall teaches the user receiving a first message about a local facility that can complete the order (col. 9, lines 19-32) and a subsequent message pertaining the current proximity of the local facility based on the updated time of arrival taking into account the user's current location in addition to the current user's speed and traveled routes (col. 10, lines 6-12).

(Office Action page 3, lines 3-12)

However, close inspection of Hall reveals that Hall does not disclose a message indicating a change in proximity of the user relative to the local facility.

Referring to Hall's column 8, line 45 to column 10, line 13, it can be seen that the location of Hall's local facility is sent to a user only once, and that no indication of a change in proximity between the local facility and the user is ever sent. More particularly, Hall discloses that a Customer Service Agent (CSA) 355 of a Service Provider's System (SPS) 150 notifies a Customer 100 of the local facility's location and order-cost (Hall col. 9, lines 51-54). No other indication of local facility position is provided to the customer.

Regarding the Examiner's assertion that Hall's column 10, lines 6-12 discloses a user receiving "a subsequent message pertaining the current proximity of the local facility based on the updated time of arrival taking into account the user's current location in addition to the current user's speed and traveled routes," Applicant notes that the cited section includes no such disclosure. Indeed, rather than disclosing transmission to a user ("customer") of a message pertaining to the current proximity of the local facility, the section

discloses transmission from a user ("customer") of a message pertaining to the user's location.

Since neither Skillen nor Hall discloses a user device receiving a multiple of messages, wherein at least one of the messages indicates a change in proximity of the device relative to an entity, Applicant believes that claims 1, 11, 22, 32 and 41 are patentable over Skillen and Hall - taken either alone or in combination - on at least this basis.

Dependent claims 2-10, 12-21, 23-31, 33-40 and 42-48 depend respectively on independent claims 1, 11, 22, 32 and 41. Since dependent claims inherit the limitations of their respective base claims, Applicant believes that claims 2-10, 12-21, 23-31, 33-40 and 42-48 are patentable over the cited references for at least the same reasons discussed in connection with claims 1, 11, 22, 31 and 41.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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